



**Winston H. Hickox**  
Secretary for  
Environmental  
Protection

# State Water Resources Control Board



**Gray Davis**  
Governor

**Division of Water Rights**  
1001 I Street, 14<sup>th</sup> Floor • Sacramento, California 95814 • (916) 341-5300  
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000  
FAX (916) 341-5400 • Web Site Address: <http://www.swrcb.ca.gov>  
Division of Water Rights: <http://www.waterrights.ca.gov>

## NOTICE OF APPLICATION TO APPROPRIATE WATER BY PERMIT

**APPLICATION: 31187**

**DATE FILED: May 18, 2001**

Notice is hereby given that Financial Portfolio Ltd. has filed an application for a water right permit for diversion of water from two unnamed streams tributary to Petaluma River and unnamed stream tributary to Tolay Creek in Sonoma County. The State Water Resources Control Board (SWRCB) will determine whether a water right permit should be issued for the application and, if so, whether conditions should be included in the permit to protect the environment and other downstream water users. This notice provides a description of the proposed project and also describes the procedure and time frame for submittal of a protest against the application. This notice and future notices of applications to appropriate water by permit, may be viewed and printed from the Division of Water Rights (Division) web-site at [www.waterrights.ca.gov](http://www.waterrights.ca.gov). Any correspondence to the applicant shall be mailed to:

Universal Portfolio Limited  
c/o J. Tevis Armstrong  
4209 American River Drive  
Sacramento, CA 95864

### DESCRIPTION OF THE PROJECT

The project consists of 4 reservoirs. Under Application 31187, the applicant seeks a right to collect water to storage behind two existing reservoirs. Reservoir #3 has a 22-foot-high dam forming 16 acre-feet capacity with a surface area of 1.72 acres. Reservoir #4 has a 21-foot-high dam forming 45 acre-feet capacity with a surface area of 3.25 acres. Application 30711 of Financial Portfolio, Ltd. covers Reservoir #1 and #2. Currently, the applicant holds licensed Application 28857 on Reservoir #3 which authorizes 16 acre-feet for recreational and fire protection purposes. The waters in Reservoirs #1, #2, #3, and #4 will be able to be moved from reservoir to reservoir if needed to irrigate vineyards. The applicant proposes to use water collected to storage for the purposes listed below including the drip irrigation of 644 acres of grapes. Application 30711 serves the same 644 acres of the place of use.

According to Water Code section 1348, a minor project diverts less than or equal to 3 cubic feet per second (cfs) by direct diversion or 200 acre-feet (af) per year by storage. A major project diverts greater than 3 cfs by direct diversion or 200 af per year by storage.

*"The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>."*  
Additional copies of this form and water right information can be obtained at [www.waterrights.ca.gov](http://www.waterrights.ca.gov).

**This is a "minor" project (less than 3 cfs by direct diversion or 200 af per year by storage) as defined by section 1348 of the Water Code.**

### APPLICATION INFORMATION

The applicant proposes to divert water from

Unnamed Stream tributary to Petaluma River thence San Pablo Bay

Unnamed Stream tributary to Tolay Creek thence San Pablo Bay.

The Points of Diversion are located within the

SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected section 9, T4N, R6W, MDB&M

SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of projected section 9, T4N, R6W, MDB&M.

The diversion and place of use are located within the County of Sonoma.

Amount of water applied for 61 af per year (Storage).

Water will be used for Irrigation, Recreational, and Fire Protection.

The applicant has requested to divert water from November 1 to March 31.

Place of Use is described as follows:

Acres	Use Within	Section	Township	Range	B & M
3	NE $\frac{1}{4}$ of SW $\frac{1}{4}$	4	4N	6W	MD
45	S $\frac{1}{2}$ of SW $\frac{1}{4}$	4	4N	6W	MD
32	E $\frac{1}{2}$ of NE $\frac{1}{4}$	8	4N	6W	MD
4	SW $\frac{1}{4}$ of NE $\frac{1}{4}$	8	4N	6W	MD
124	SE $\frac{1}{4}$	8	4N	6W	MD
108	NW $\frac{1}{4}$	9	4N	6W	MD
27	W $\frac{1}{2}$ of NE $\frac{1}{4}$	9	4N	6W	MD
80	SW $\frac{1}{4}$	9	4N	6W	MD
56	SE $\frac{1}{4}$	9	4N	6W	MD
10	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	10	4N	6W	MD
6	NW $\frac{1}{4}$ of NW $\frac{1}{4}$	15	4N	6W	MD
2	NE $\frac{1}{4}$ of NW $\frac{1}{4}$	16	4N	6W	MD
31	W $\frac{1}{2}$ of NW $\frac{1}{4}$	16	4N	6W	MD
1	NE $\frac{1}{4}$ of NE $\frac{1}{4}$	16	4N	6W	MD
115	NE $\frac{1}{4}$	17	4N	6W	MD
644	total				

### ENVIRONMENTAL INFORMATION

The lead agency will prepare the appropriate environmental documents for the project according to the California Environmental Quality Act (CEQA) and its guidelines, and will determine whether or not the project will cause a significant effect on the environment. If you

are not filing a protest, but wish to submit information, which indicates that the project may cause a

significant effect on the environment, please send this information to Mr. Mike Falkenstein, SWRCB, Division of Water Rights, P.O. Box 2000, Sacramento, CA 95812-2000. This information will be reviewed in accordance with CEQA.

### **PROCEDURE FOR SUBMITTING PROTESTS**

Any person may file a protest against the application. Protests should be submitted on standard protest forms available from the Division's web-site at [www.waterrights.ca.gov/forms/](http://www.waterrights.ca.gov/forms/), but can be submitted in letter form. A pamphlet that provides additional information relating to water rights and the procedure for filing protests can be obtained from the contact person listed below. The protest should be submitted to:

Yoko Mooring  
State Water Resources Control Board  
Division of Water Rights  
P.O. Box 2000  
Sacramento, CA 95812-2000

**In addition, the protestant must send a copy of the protest to the applicant.**

Protests filed in response to this notice must either be postmarked, or received in the office of the SWRCB's Division of Water Rights (1001 "I" Street, 14<sup>th</sup> Floor, Sacramento, CA) **by 4:00 p.m. on the 40<sup>th</sup> day** after the date of this notice. Due to the constraints of the noticing period, protests may be filed by FAX at (916) 341-5400. However, an original copy of all materials must be received for the SWRCB to consider your protest. For good cause, the SWRCB may grant an extension of time to file a protest. It is the protestant's responsibility to contact the engineer listed below and receive an extension of time to submit the protest prior to the final filing date and time. The SWRCB will respond to all protests within 60 days of the final day to file a protest.

### **PROTEST REQUIREMENTS**

Parties may file protests based on any of the following factors:

- Injury to existing water rights.
- Adverse environmental impact.
- Not in the public interest.
- Contrary to law.
- Not within the jurisdiction of the SWRCB.

All protests must clearly describe the objections to approval of the application and the factual basis for those objections. If the objection is based on injury to existing water rights, the protest must describe the specific injury to the existing water right that would result from approval of the application. In addition, the party claiming injury to prior water rights must provide specific information that describes the basis of the existing right, the date the use began, the quantity of water used, the purpose of use and the place of use. Please note that any water right permit issued by the SWRCB is subject to and includes conditions to protect vested water rights.

If the protest is based on environmental grounds, or other factors listed above, the protest must be accompanied by a statement of facts supporting the basis of the protest. The protest shall include a description of any measures that could be taken to resolve the protest, including modification of the application (i.e., amount, season of diversion, etc.) or conditions (i.e., fish bypass flow, measuring device, etc.) that could be included in the water right permit. If sufficient information is not submitted, the SWRCB may reject the protest or request that the protestant submit additional information.

### **RESOLUTION OF PROTESTS**

The protestant(s) and the applicant are encouraged to discuss methods that could be used to resolve the protest. If the protest(s) can not be resolved, the SWRCB may conduct a field investigation for minor projects, or hold a water right hearing for major projects.

### **CONTACT PERSON**

To obtain additional information regarding this project, or to obtain copies of the protest forms or pamphlet, please contact Yoko Mooring by phone at (916) 341-5362. Protest forms may also be obtained from the Division's web-site at [www.waterrights.ca.gov/forms/](http://www.waterrights.ca.gov/forms/).

### **DATE OF NOTICE:**